IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal Lodging No.843 of 2004
in
Notice of Motion No.2339 of 2002
in
Sum Suit No.2l25 of 2000

Sanjabai Patel... appellant
vs
Smt Jyotiben R Mody & ors ..Respondents

Mr.N N Vaishnava for appellant
Ms Heena Menon for respondents

CORAM: A.P.SHAH & S.J.VAZIFDAR JJ.

Dated 30.3.2005

P.C:

. Appeal is admitted. Learned counsel for the respondents waive service. We have heard the learned counsel for the parties.

. This appeal is against an exparte order of attachment before judgment. In the impugned order the learned single Judge has observed that various contentions raised in the affidavit in reply are not supported by docuemnts. This finding is contrary to the order dated 23.7.2002 granting unconditional leave to defend and further the learned single Judge has not given any reason why attachment before judgment is called for. In the

above circumstances the impugned order of the learned single Judge is set aside. Notice of Motion is restored to file. The learned single Judge is requested to decide the motion afresh on merits in accordance with law.

. Ad-interim relief in terms of prayer clause (d) to continue till the motion is decided.

. Appeal stands disposed in terms of above order.